

Form PTO-1390U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV 10-95) TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 4623-045365
		U.S. APPLICATION NO. 10/9512032
INTERNATIONAL APPLICATION NO. PCT/AU04/000539	INTERNATIONAL FILING DATE 27.04.04 (April 27, 2004)	PRIORITY DATES CLAIMED 27.04.04 (April 27, 2004)
TITLE OF INVENTION SPINNING TOY		
APPLICANT(S) FOR DO/EO/US Jacqui TOBIAS and Paul CHARLWOOD		Assignee: MOOSE ENTERPRISE PTY LTD
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).</p> <p>4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p>5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <p>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. <p>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11. to 16. Below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.</p> <p><input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>14. <input type="checkbox"/> A substitute specification.</p> <p>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>16. <input checked="" type="checkbox"/> Other items or information:</p> <p>a. PCT Request, International Search Report, Written Opinion and Article 19 Amendments to Claims (17 pp.)</p>		

U.S. APPLICATION NO. 10/4512032	INTERNATIONAL APPLICATION NO. PCT/AU04/000539	ATTORNEY'S DOCKET NUMBER 4623-045365		
17. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): " Search Report has been prepared by the EPO or JPO..... \$950.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) \$750.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) But international search fee paid to USPTO (37 CFR 1.445(a)(2))..... \$79.00 Neither international preliminary examination fee (37 CFR 1.482) nor International search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$1110.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) And all claims satisfied provisions of PCT Article 33(2)-(4)..... \$100.00		CALCULATIONS PTO USE ONLY		
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$ 1,110.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$ 130.00		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	20 - 20 =	0	X \$18.00	\$ 0.00
Independent claims	2 - 3 =	0	X \$88.00	\$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$300.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =		\$ 1,240.00		
Reduction of 1/2 for filing by small entity, if applicable.		\$ 620.00		
SUBTOTAL =		\$ 620.00		
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +		\$ 0.00		
TOTAL NATIONAL FEE =		\$ 620.00		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +		\$ 0.00		
TOTAL FEES ENCLOSED =		\$ 620.00		
		Amount to be: Refunded	\$	
		Charged	\$	
a. <input checked="" type="checkbox"/> A check in the amount of \$ 620.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>23-0650</u> . A duplicate copy of this sheet is enclosed.				
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.				
SEND ALL CORRESPONDENCE TO: Richard L. Byne 700 Koppers Building 436 Seventh Avenue Pittsburgh, Pennsylvania 15219-1818 Telephone: (412) 471-8815 Facsimile: (412) 471-4094				
 SIGNATURE Richard L. Byrne NAME 28,498 REGISTRATION NUMBER				

10/512032

Application No. Not Yet Assigned
Paper Dated: October 20, 2004
In Reply to USPTO Correspondence of N/A
Attorney Docket No. 4623-045365

Customer No. 28289
DT01 Rec'd PCT/PTC 20 OCT 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : Not Yet Assigned
Applicants : **Jacqui TOBIAS et al.**
Filed : Concurrently Herewith
Title : **SPINNING TOY**
International Application : No. PCT/AU04/000539
International Filing Date : 27 April 2004
Priority Date Claimed : 27 April 2004

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER RECOGNIZING ATTORNEYS

Sir:

Enclosed are appropriate papers for initiating the national phase of the above-identified PCT application, comprising a specification, claims and informal drawings.

Information regarding the joint inventors and the application is as follows:

1. Name and Address of First Inventor: **Jacqui TOBIAS**
c/o Moose Enterprise Pty Ltd,
7-13 Ardena Court,
Bentleigh East, Victoria 3165,
Australia.

- Citizenship: Australia.

- Name and Address of Second Inventor: **Paul CHARLWOOD**
Level 11,
522 Flinders Lane,
Melbourne, Victoria 3000,
Australia.

- Citizenship: Australia.

2. Title: **SPINNING TOY**

3. Priority PCT/AU04/000539, filed 27 April 2004.

10/512032

Application No. Not Yet Assigned
Paper Dated: October 20, 2004
In Reply to USPTO Correspondence of N/A
Attorney Docket No. 4623-045365

Customer No. 28289
DT01 Rec'd PCT/PTC 20 OCT 2004

4. Application Specification - 13 pages;
Claims - 3 pages;
Abstract - 1 page.

5. Drawings Six (6) sheets of informal drawings.

6. Claims Twenty (20) claims; two (2) independent.

7. Assignee: MOOSE ENTERPRISE PTY LTD
7-13 Ardena Court,
Bentleigh East Victoria 3165,
Australia.

8. Status The above-identified applicants and assignee are entitled
to claim small entity status in the United States.

9. Customer Number: 28289.

Please accept the application for purposes of granting a filing date and recognize Richard L. Byrne, Russell D. Orkin and Paul M. Reznick, Registration Nos. 28,498, 25,363, and 33,059, respectively, as attorneys in this application, pending the filing of a formal Declaration and Power of Attorney. A copy of the PCT Request and Search Report are enclosed with this initiation.

Kindly direct all communications relating to this application to **Richard L. Byrne.**

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By 
Richard L. Byrne, Reg. No. 28,498
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: 412/471-8815
Facsimile: 412/471-4094

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

ATTORNEY'S DOCKET NUMBER

Jacqui TOBIAS
Paul CHARLWOOD**4623-045365****PCT/AU04/00539**

ENTITLED

"SPINNING TOY"

To MAIL STOP PCT
Attention: DO/EO/US
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE**"Express Mail" Label Number EV534967159US****Date of Deposit October 20, 2004**I hereby certify that the following attached papers or fees

**TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/
ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER
35 U.S.C. 371 (original and two (2) copies) and check in amount
of \$620.00 for filing fee and surcharge fee for late Declaration
LETTER RECOGNIZING ATTORNEYS (2 pp.)**

PRELIMINARY AMENDMENT

**COPY OF AUSTRALIAN APPLICATION AS FILED ON APRIL 27, 2004,
INCLUDING SIX (6) SHEETS OF DRAWINGS**

**COPY OF PCT REQUEST, INTERNATIONAL SEARCH REPORT,
WRITTEN OPINION and ARTICLE 19 AMENDED CLAIMS (14 pp.)**

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Nora Ann Pastrick
(Typed name of person mailing paper or fee)

Nora Ann Pastrick
(Signature of person mailing paper or fee)